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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,840	01/30/2002	Burton Barnett	203-07-CIP2	8710

7590 12/12/2002

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/060,840	Applicant(s) BARNETT, BURTON 1	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 6 and 26 are objected to because of the following informalities: in line 3 "Source" should be changed to --source--. A similar error is found in line 2 of claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with 112 issues including but not limited to:

Re: claims 1, 13, and 21. The claims recite the limitation "the brake actuator" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Re: claims 1, 7, 13, and 21. Claims 7 and 21 recite the limitations "the axial direction" and "the brakes" claimed, for example, in line 4 of claim 7. There is insufficient antecedent basis for the limitations in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, 18, 21, 24, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 6367888 to Kee et al.

Re: claims 1, 4, 5, 7, 10, 11, 13, 16, 17, 21, 24, and 25. St. Onge shows in figures 1 and 2 and discloses in the last 13 lines of the abstract an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber shown in the area of element 21 and a high spring rate spring 31 in a second chamber shown in the area of element 25, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system, in the absence of compressed air the high spring rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system and wherein when there is compressed air in the second chamber the high spring rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract for venting

pressurized air from the second chamber as disclosed in lines 6-7 from the bottom of the abstract and for preventing entry of pressurized air into the second chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system, the electro mechanical means also being used for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes, but does not specifically disclose that the electro mechanical means is responsive to first and second coded signals. Kee et al. teach in lines 8 and 18 of the abstract the use of an apparatus for locking and unlocking the brakes including an electro mechanical means having a receiver decoder responsive to a first and second coded signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the electromechanical means of St. Onge such that it was responsive to first and second coded signals, as taught by Kee et al., in order to provide a means of triggering the introduction and release of fluid into the chamber to release and apply the brakes, respectively.

Re: claims 6, 12, 18, and 26. St. Onge, as modified, shows in figure 1 of St. Onge and discloses in col. 3 lines 44-66 of St. Onge the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the first and second signals, respectively.

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7. Claims 2, 3, 8, 9, 14, 15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 6367888 to Kee et al. as applied to the appropriate claims above and further in view of US Patent 4014579 to Dubois.

Re: claims 2, 8, 14, and 22. St. Onge shows in figure 2 an inlet port or hole in the chamber housing surrounding element 33, the inlet port allowing attachment of a hose 54 shown in figure 1 through which pressurized air is normally supplied to the second chamber and shows the electromechanical means being a solenoid valve, but does not show the solenoid valve or brake locking mechanism being mounted in the second chamber. Dubois teaches in col. 3 lines 18-21 the use of a brake locking mechanism including a solenoid means 30 that is mounted in a chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge to have been mounted in the chamber, in view of the teachings of Dubois, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus.

Re: claims 3, 9, 15, and 23. St. Onge shows in figure 2 a conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

8. Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, 18, 21, 24, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge.

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Re: claims 1, 4, 5, 7, 10, 11, 13, 16, 17, 21, 24, and 25. St. Onge shows in figures 1 and 2 and discloses in the last 13 lines of the abstract an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber shown in the area of element 21 and a high spring rate spring 31 in a second chamber shown in the area of element 25, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system, in the absence of compressed air the high spring rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system and wherein when there is compressed air in the second chamber the high spring rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract for venting pressurized air from the second chamber as disclosed in lines 6-7 from the bottom of the abstract and for preventing entry of pressurized air into the second chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system, the electro mechanical means also being used for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes, but does not specifically disclose that the electro mechanical means is responsive to

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first and second coded signals. Examiner takes official notice that it is well-known in the art to use coded signals/remote control in order to prevent unauthorized actuation of a nearby locked brake actuator responsive to such signals. Examiner also notes Applicant's admission of the incorporation of the coded signals to open and lock car doors as being "virtually ubiquitous[ly]" in lines 5-6 of pg. 11 of the specification of the instant application.

Re: claims 6, 12, 18, and 26. St. Onge, as modified, shows in figure 1 of St. Onge and discloses in col. 3 lines 44-66 of St. Onge the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the first and second signals, respectively.

9. Claims 2, 3, 8, 9, 14, 15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 4014579 to Dubois.

Re: claims 2, 8, 14, and 22. St. Onge shows in figure 2 an inlet port or hole in the chamber housing surrounding element 33, the inlet port allowing attachment of a hose 54 shown in figure 1 through which pressurized air is normally supplied to the second chamber and shows the electromechanical means being a solenoid valve, but does not show the solenoid valve or brake locking mechanism being mounted in the second chamber. Dubois teaches in col. 3 lines 18-21 the use of a brake locking mechanism including a solenoid means 30 that is mounted in a chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge to have been mounted in the chamber, in view of the teachings of Dubois, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus.

Re: claims 3, 9, 15, and 23. St. Onge shows in figure 2 a conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

Allowable Subject Matter

10. Claims 19, 20, 27, and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. US Patent 4793661 to Munro teaches the use of three separate switches to control the supply of fluid to control a brake device, but does not specifically disclose or suggest that one of the switches is a proximity switch controlled by the position of a brake actuator and the other two switches being controlled by a receiver decoder.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 5378929 to Mor et al., 5145240 to Harless et al., 3880477 to Stevenson et al., 4793661 to Munro, 4621874 to Gustafsson, 6322161 to Maslonka et al., and Patent Application Publication US 2001/0050509 to Holt teach the use of locking devices to prevent unauthorized movement of a vehicle, 4793449 to

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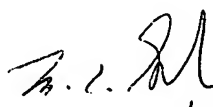
Smith, and Patent Application Publications US 2002/0036428 to Jacob and US 2002/0140282 to Costa teach the use of selectively introducing or reducing air pressure to control the application of brakes, and a copy of an article from the New York Times 11/18/01 teaches the use of a truck stopping device having means for preventing unauthorized movement of a truck by activating air brakes that are triggered remotely with a signal.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 12/6/02
mmb
December 6, 2002


12/4/2002
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310